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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,233	12/12/2003	Jean Gehrig	CAB-129-A	1850

7590 12/02/2008
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EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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12/02/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/735,233	Applicant(s) GEHRIG ET AL.	
	Examiner Tan Le	Art Unit 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-8 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first office action for Application No. 10/735,233, filed 12/12/03. This application contains 7 claims numbered 1-8. Claim 8 has been added.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent no. 5,511,705 to Dreszer.

Dreszer teaches an interchangeable tool and fastener carrying and storage system, which includes holder grips 44, 48, 50, 52, an axially elongated bar (6 and/or 7) for supporting the holder grips, and a frame 30 for supporting the bar horizontally, wherein the bar (6, 7) includes a series of evenly spaced positioning notches (36) for removably mounting a respective plurality of holder grips to the bar and next to one another. The holder grip comprises an axially elongated body having opposite upper and lower end portions and an axis extending the length of the body, the upper end portion including hanging means (U-shaped -hook) for joining the holder grip in a removable way to a respective notch 36 in the bar (6, 7) and locking means (considers an distal end of the U-shaped hook bending inward and snap-fit in the notch constituting a lock) for preventing free rotation of the holder grip relative to the bar; and holding means (considers lower portion of frame 30 and 40 and 42) in substantially vertical relation and parallel to an axis of the body.

Dreszer discloses the elongated bar 6 or 7 generally in rectangular shape with notches, but not a cylindrical shape. However, Applicant has not disclosed that having the elongated bar in cylindrical shape solves any stated problem or for any particular purpose. It appears that the elongated bar of rectangular shape would perform equally well with the elongated bar of any other shapes. Accordingly, the use of elongated bar of cylindrical shape is deemed to be a designed consideration which fail to patentably distinguish over the prior art of Dreszer.

Allowable Subject Matter

Claim 3 is objected to but would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Claims 4-8 are allowed.

Response to Arguments

Applicant's arguments filed 8/01/08 have been fully considered but they are not persuasive.

In response to Applicant's argument that Dreszer does not teach or suggest a series of evenly spaced positioning notches", the examiner disagrees. As pointed out in the final action, Dreszer clearly teaches a series of evenly spaced positioning notches 36 (on either bar 6, 32 or 7, 34) as evidently shown on Fig. 1. Assuming arguendo that even if the notches are spaced unevenly along the bar, the examiner still considers the disclosure of what it would be fairly taught by the prior art reference of

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Dreszer taken as a whole, which one of ordinary skill in the art would have been expected to draw therefrom it would have been no more than an obvious matter of design choice to provide a series of evenly spaced positioning notches to the invention, which still render the subject matter obvious within the meaning of 35 USC 103.

Applicant is presenting a new claim 8 which includes limitations of claim 3 as well as the base claim and any intervening claims upon which claim 8 is dependent upon. Claim 8 is therefore allowed. Claim 4 now also includes limitations of claim 1, claim 4 is therefore also allowed.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Le whose telephone number is (571) 272-6818.

The examiner can normally be reached on Mon. through Fri. from 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen J. Shriver can be reached on (571) 272-6689. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Amy J. Sterling/
Primary Examiner, Art Unit 3632
11/24/08

/Tan Le/
Examiner, Art Unit 3632